

## **REMARKS**

### **Amendments**

Withdrawn claims 12-27 are cancelled.

### **Restriction Requirement**

Presently, there is no objection that the compound claims contain non-elected subject matter. Thus, applicants assume that the full scope of the pending compound claims is under examination.

### **Obviousness-type Double Patenting Rejection**

Claims 4, 8-11, and 28-46 are rejected on grounds of obviousness-type double patenting rejection in view of claim 4 of US 7,235,579.

Claim 1 of US '579 recites a Formula I like Formula I of applicants' claims except that R<sup>3</sup> is defined as -CH<sub>2</sub>CONHR<sup>5</sup>, and R<sup>5</sup> is defined as aryl or a heterocyclic group. Claim 4 of US '579, the claim cited in the rejection, depends from claim 1 and merely further defines the group R<sup>1</sup> as being CHF<sub>2</sub>, cycloalkyl, cycloalkylalkyl, aryl, arylalkyl or heterocyclic group.

The claims are amended to delete subject matter wherein R<sup>3</sup> is as -CH<sub>2</sub>CONR<sup>6</sup>R<sup>5</sup>, and R<sup>5</sup> is aryl or a heterocyclic group. Thus, as a result of the amendments, there is no overlap between the pending claims and claim 4 of US '579.

Withdrawal of the rejection and allowance of the instant application are respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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